

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARTIN GUGINO

Plaintiff,

v.

CITY OF BUFFALO, et al,

**DECLARATION OF
MELISSA D.
WISCHERATH**

Civil Case No.: 1:21-cv-00283-LJV-LGF

Defendants.

I, Melissa D. Wischerath., declare as follows:

1. I am an attorney representing Plaintiff in this matter. I make this declaration in further support of Plaintiff's Motion to Compel and for sanctions related to non-party witness John Evans.

2. Attached hereto, hereby incorporated as **Exhibit A** is a true and complete copy of the video deposition that will be hand delivered to the Court on Tuesday, January 16, 2024.

3. The index card note that was passed to the witness was marked at today's non-party deposition as Exhibit 60. It is hereby incorporated and more fully attached hereto as **Exhibit B**.

4. The full deposition of non-party John Evans transcript is hereby incorporated and more fully attached hereto as **Exhibit C**.

5. The Foschio rules were provided to Mr. Personius after a break and were marked as Exhibit 61. It is attached hereto as **Exhibit D**.

6. A copy of the non-party subpoena for John Evans was marked as Exhibit 45 and is attached hereto as **Exhibit E**.

DATED this 12th day of January, 2024.

/s/ Melissa D. Wischerath